

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARCOS ZULUETA, JUAN CARLOS	:	CIVIL ACTION NO. 1:18-CV-356
GUERRERO, SILVIO MARTIN, and	:	
SEAN MITCHELL,	:	(Chief Judge Conner)
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
THOMAS CHUCKAS, as an individual	:	
and in his position as Director of the	:	
Bureau of Thoroughbred Horse Racing	:	
of the Pennsylvania Horse Racing	:	
Commission,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 5th day of November, 2018, upon consideration of the motion (Doc. 4) to dismiss filed by defendant Thomas Chuckas (“Chuckas”), individually and in his official capacity, and the parties’ respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Chuckas’ motion (Doc. 4) to dismiss is GRANTED as follows:
 - a. Plaintiffs’ claim against Chuckas in his individual capacity, pursuant to 42 U.S.C. § 1983, is DISMISSED without prejudice.
 - b. Plaintiffs’ claim against Chuckas in his official capacity as the Director of the Bureau of Thoroughbred Horse Racing of the Pennsylvania State Horse Racing Commission, pursuant to 42 U.S.C. § 1983, is DISMISSED with prejudice.
2. Plaintiffs are granted leave to amend their pleading within twenty (20) days of the date of this order, consistent with the above paragraphs

and the accompanying memorandum. In the absence of a timely filed amended complaint, the Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania